

January 30, 2023

Randall W. Slade  
(312) 466-7225

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**VIA E-MAIL & CERTIFIED MAIL**

Mr. Clifford Horwitz  
Horwitz Horwitz & Associates  
25 East Washington, Suite 900  
Chicago, Illinois 60602  
[clmail@horwitzlaw.com](mailto:clmail@horwitzlaw.com)

**RE: *In the Matter of the Complaint of Chicago AquaLeisure, LLC, and Theresa Tran, individually and as owners and/or owners pro hac vice of the vessel LA AQUAVIDA, Official Number GFNCY003E20 & DOCUMENTATION #1155272, for Exoneration from or Limitation of Liability***  
**Northern District of IL Case No.: 1:22-cv-06478; Judge Joan B. Gotschall**  
**Our File No.: 40236-003 BATO**

Dear Mr. Horwitz,

Pursuant to Federal Rules of Civil Procedure, Supplemental Rule F(6), please be advised of the following individuals that have asserted claims for alleged injuries and/or property damages arising from the aforementioned incident accident that occurred on August 13, 2022 on Lake Michigan, near an area commonly known as “The Playpen” in Chicago, Illinois (hereinafter, “the Accident”), and which is the subject of a Complaint in Admiralty filed by Theresa Tran and Chicago AquaLeisure, LLC seeking exoneration from or limitation of liability for any and all claims arising out of the Accident:

**1. Batochir Claim**

**a. Name**

Lana Batochir

**b. Attorney**

Thomas A. Demetrio  
Michael D. Ditore  
Francis P. Murphy  
Corboy & Demetrio, P.C.  
33 North Dearborn St., 21<sup>st</sup> Floor  
Chicago, Illinois 60602  
(312) 346-3191  
[ccfiling@corboydemetrio.com](mailto:ccfiling@corboydemetrio.com)

**c. Nature of the Claim**

Personal injury.

**d. Amount of Claim**

All damages recoverable by law.

**2. Velkova Claim**

**a. Name**

Marija Velkova

**b. Attorney**

Clifford W. Horwitz  
Horwitz, Horwitz, and Associates, Ltd.  
25 E. Washington, Suite 900  
Chicago, IL 60602  
(312) 372-882  
[clmail@horwitzlaw.com](mailto:clmail@horwitzlaw.com)

**c. Nature of the Claim**

Personal injury.

**d. Amount of Claim**

All damages recoverable by law.

Copies of both claims are enclosed herein. No other parties asserted any claims in this action by January 25, 2023.

Please do not hesitate to contact us with any questions.

Sincerely,



Randall W. Slade

RWS/cak

Enclosures

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

\_\_\_\_\_  
THERESA TRAN, et al.,

Plaintiffs,

v.

John Doe, et al.

Defendants.

\_\_\_\_\_  
Case No. 1:22-cv-06478  
Honorable Joan B. Gottschall

**CLAIMANT LANA BATOCHIR'S CLAIM FOR PERSONAL INJURIES IN RESPONSE  
TO COMPLAINT IN ADMIRALTY FOR EXONERATION FROM  
OR LIMITATION OF LIABILITY**

NOW COMES the Claimant, LANA BATOCHIR, by and through her attorneys, CORBOY & DEMETRIO, P.C., and subject to a forthcoming motion to stay this proceeding and dissolve the injunction against the further prosecution of her action against THERESA TRAN and CHICAGO AQUALEISURE, LLC, now pending in the Circuit Court of Cook County, Illinois, files this Claim in response to the Complaint in Admiralty for Exoneration From or Limitation of Liability, and states as follows:

1. Pursuant to this Court's Order Restraining All Suits and Directing Monition to Issue entered on November 28, 2022, and in accordance with Supplemental Rule F(5) for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, Claimant LANA BATOCHIR files this claim for injuries and damages arising out of, resulting from, or in any manner connected with the occurrence on August 13, 2022, from which the Plaintiffs-in-Limitation THERESA TRAN and CHICAGO AQUALEISURE, LLC's Complaint seeks exoneration or limitation of liability.

2. In filing her Claim, Answer, and Affirmative Defenses, Claimant reserves all rights to pursue all available claims in the fora of her choosing for resolution of any and all issues beyond

the exclusive jurisdiction of this Admiralty Court, and to have such claims and related damages tried to a jury, including her cause of action filed on December 21, 2022 in the Circuit Court of Cook County, Illinois County Department Law Division, *Lana Batochir v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-011324, as provided for by the Savings to Suitors Clause in 28 U.S.C. § 1333 and all state law remedies.

3. On December 21, 2022, Claimant LANA BATOCHIR filed suit in the Circuit Court of Cook County, Illinois against THERESA TRAN, CHICAGO AQUALEISURE, LLC, and Joseph Neverauskas, in the matter of *Lana Batochir v. Joseph Neverauskas, et al.*, No. 2022-L-011324 (Cook Cty. Cir. Ct.), attached hereto as Exhibit A.

4. Claimant states, adopts, and incorporates by reference the material allegations from her Complaint filed on December 21, 2022, against Plaintiffs-in-Limitation THERESA TRAN and CHICAGO AQUALEISURE, LLC, in the Circuit Court of Cook County, Illinois, County Department Law Division, *Lana Batochir v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-011324, as if fully stated herein.

5. As set forth in Claimant's Complaint, it is alleged that one or more acts or omissions constituting legal misconduct of the Plaintiffs-in-Limitation THERESA TRAN and CHICAGO AQUALEISURE, LLC, both directly and indirectly, individually and by through their agents, employees, and servants, was a direct and proximate cause of said occurrence and Claimant's personal injuries as set forth in Claimant's Complaint.

6. As further set forth in Claimant's Complaint, it is alleged that Plaintiffs-in-Limitation had privity and knowledge of their direct negligent conduct and/or the negligent conduct of their agents, actual or apparent, employees, and/or servants, which caused or contributed to the cause the occurrence and Claimant's injuries and damages.

7. Further, upon information and belief, it is alleged that THERESA TRAN and CHICAGO AQUALESIURE, LLC failed to maintain the subject vessel, such that it was rendered unseaworthy. It is further alleged that THERESA TRAN and CHICAGO AQUALEISURE, LLC failed to appropriately train and/or supervise their agents, all of which is alleged to be within the privity and knowledge of Plaintiffs-in-Limitation.

8. As a direct and proximate result of the unseaworthiness of the AQUAVIDA and, due to Plaintiffs' negligence, Claimant, LANA BATOCHIR was severely and permanently injured when the propeller of the AQUAVIDA struck her legs causing amputation of both legs below the knee.

9. In addition to those stated above, Claimant, LANA BATOCHIR, has suffered the following injuries:


- a. Permanent injuries to her legs due to the amputation of her legs below the knee;
- b. Physical pain and mental suffering in the past and reasonably certain to be experienced in the future;
- c. Disfigurement to her legs;
- d. Claimant has become obligated for the expenses of necessary medical care, treatment and services in the past and will be required to spend money for necessary medical care, treatment and services in the future.
- e. Has suffered disability and will continue to have disability in the future.

10. That Claimant seeks all damages recoverable by law.

11. That Claimant hereby respectfully demands a trial by jury on all issues so triable or, in the alternative, if this Court finds Plaintiffs-in-Limitation action not triable of right by a jury, then Claimant otherwise reserves her right to move this Court on motion at a later time to try all issues with an advisory jury.

WHEREFORE, Claimant prays that this Honorable Court enter judgment in favor of Claimant LANA BATOCHIR and against Plaintiffs-in-Limitation THERESA TRAN and CHICAGO AQUALEISURE, LLC, in a dollar amount that fairly and justly compensates Claimant for her injuries and damages, plus the costs of this action, and such additional amounts or other and further relief as this Court may deem fair and just under the circumstances.

LANA BATOCHIR, Claimant

By:   
Michael D. Ditore, Attorney for Claimant

Thomas A. Demetrio  
Michael D. Ditore  
Francis P. Murphy  
Corboy & Demetrio, P.C.  
Attorney for Claimant  
33 North Dearborn Street, 21st Floor  
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# **EXHIBIT A**

#02329 MDD\ot

2022N-0162

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION**

LANA BATOCHIR,

Plaintiff.

v.

JOSEPH NEVERAUSKAS;  
CHICAGO AQUALEISURE, LLC,  
an Illinois Limited Liability Company; and  
THERESA TRAN,

Defendants.

No.  
**PLAINTIFF DEMANDS TRIAL BY JURY**

**COMPLAINT AT LAW**

Plaintiff, LANA BATOCHIR, by and through her attorneys, CORBOY & DEMETRIO, P.C., complaining of Defendants, JOSEPH NEVERAUSKAS; CHICAGO AQUALEISURE, LLC, an Illinois Limited Liability Company (hereinafter "Aqualeisure"); and THERESA TRAN, and each of them, states:

**COUNT I**

**Joseph Neverauskas – Negligence – Personal Injury**

1. On August 13, 2022, JOSEPH NEVERAUSKAS was captaining and operating a vessel named "La Aqua Vida" on the waters of Lake Michigan within the boundaries of Chicago, Cook County, Illinois.
2. On August 13, 2022, and at all relevant times, JOSEPH NEVERAUSKUS was acting as an agent, apparent and/or actual, of AQUALEISURE.
3. On August 13, 2022, and at all relevant times, Theresa Tran owned, managed, controlled, and operated AQUALEISURE.



FILED DATE: 12/21/2022 1:34 PM 2022L011324

4. On August 13, 2022, and at all relevant times, JOSEPH NEVERAUSKAS was operating “La Aqua Vida” on an excursion in the course and scope of his employment with AQUALAISURE.

5. On August 13, 2022, and at all relevant times, Theresa Tran owned “La Aqua Vida.”

6. On August 13, 2022, JOSEPH NEVERAUSKAS operated “La Aqua Vida” into an area of Lake Michigan colloquially known as the “Playpen.”

7. On August 13, 2022, JOSEPH NEVERAUSKAS operated to an area of the “Playpen” titled “Anchorage Area C.”

8. On August 13, 2022, LANA BATOCHIR was a passenger on a non-commercial vessel known as the “Sea Ray.”

9. On August 13, 2022, the Sea Ray was anchored in the Lake Michigan “Playpen” near 800 North Lakeshore Drive, Chicago, Illinois.

10. On August 13, 2022, LANA BATOCHIR was floating on a raft attached to the rear of the Sea Ray.

11. On August 13, 2022, JOSEPH NEVERAUSKAS was attempting to set anchor when “La Aqua Vida” started drifting forward.

12. On August 13, 2022, JOSEPH NEVERAUSKAS operated “La Aqua Vida,” into reverse.

13. On August 13, 2022, the propeller of “La Aqua Vida” struck LANA BATOCHIR.

14. On August 13, 2022, LANA BATOCHIR suffered traumatic amputation of both legs as a result of the propellers of “La Aqua Vida.”

15. On August 13, 2022, JOSEPH NEVERAUSKAS was negligent in one of more of the following ways:

- a. Failed to maintain a proper lookout;
- b. Failed to proceed at a safe speed under the circumstances and conditions in order to appropriately stop and avoid colliding with LANA BATOCHIR;
- c. Operated “La Aqua Vida” in a manner that unreasonably interfered with the Sea Ray’s free and proper navigation of the waterways of the State of Illinois, in violation of 625 ILCS 45/5-3;
- d. Operated “La Aqua Vida” in such a manner as to endanger life or limb, in violation of Chicago City Ordinance 10-40-260(a); and
- e. Operated “La Aqua Vida” in a manner which presented an unreasonable danger of injury, in violation of Chicago Park District Harbor Rule (2)(e)(1).

16. As a proximate result of one or more of the aforementioned negligent acts and/or omissions, LANA BATOCHIR suffered injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, LANA BATOCHIR, demands judgment against Defendant, JOSEPH NEVERAUSKAS for a sum in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County.

## **COUNT II**

### **Chicago Aqualeisure, LLC – Negligence – Personal Injury**

1-14. Plaintiff adopts and realleges paragraphs 1-14 of Count I as paragraphs 1-14 of Count II as though fully set forth herein.

15. On August 13, 2022, AQUALEISURE, individually, and/or through its agents, was negligent in one of more of the following ways:

- a. Failed to maintain a proper lookout;
- b. Failed to proceed at a safe speed under the circumstances and conditions in order to appropriately stop and avoid colliding with LANA BATOCHIR;

- c. Operated “La Aqua Vida” in a manner that unreasonably interfered with the Sea Ray’s free and proper navigation of the waterways of the State of Illinois, in violation of 625 ILCS 45/5-3;
- d. Operated “La Aqua Vida” in such a manner as to endanger life or limb, in violation of Chicago City Ordinance 10-40-260(a);
- e. Operated “La Aqua Vida” in a manner which presented an unreasonable danger of injury, in violation of Chicago Park District Harbor Rule (2)(e)(1);
- f. Failed to adequately supervise its employees and/or agents, including Joseph Neverauskas;
- a. Failed to adequately train its employees and/or agents, including Joseph Neverauskas; and
- b. Failed to adequately maintain the subject vessel.

WHEREFORE, Plaintiff, LANA BATOCHIR, demands judgment against Defendant, CHICAGO AQUALEISURE, an Illinois Limited Liability Company, for a sum in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County.

### **COUNT III**

#### **Theresa Tran – Negligence – Personal Injury**


1-14. Plaintiff adopts and realleges paragraphs 1-14 of Count I as paragraphs 1-14 of Count III as though fully set forth herein.

15. On August 13, 2022, THERESA TRAN was negligent in one of more of the following ways:

- a. Failed to adequately supervise her employees and/or agents, including Joseph Neverauskus;
- b. Failed to adequately train her employees and/or agents, including Joseph Neverauskus; and
- c. Failed to adequately maintain the subject vessel.

WHEREFORE, Plaintiff, LANA BATOCHIR, demands judgment against Defendant, THERESA TRAN, for a sum in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County.

Thomas A. Demetrio  
Francis Patrick Murphy  
Michael D. Ditore  
Corboy & Demetrio, P.C.  
Attorneys for Plaintiff  
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Firm I.D. No. 02329  
Primary E-Mail: [ccfiling@corboydemetrio.com](mailto:ccfiling@corboydemetrio.com)

  
Michael D. Ditore

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

<p>THERESA TRAN, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>John Doe, et al.</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:22-cv-06478 Honorable Joan B. Gottschall</p>
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**CLAIMANT MARIJA VELKOVA’S CLAIM IN RESPONSE TO COMPLAINT IN  
ADMIRALTY FOR EXONERATION FROM OR LIMITATION OF LIABILITY**

NOW COMES the Claimant, MARIJA VELKOVA, by and through her attorneys, HORWITZ, HORWITZ & ASSOCIATES LTD., and subject to a forthcoming motion to stay this proceeding and lift the injunction against the further prosecution of her action against THERESA TRAN and CHICAGO AQUALEISURE, LLC, now pending in the Circuit Court of Cook County, Illinois, files this Claim in response to the Complaint in Admiralty for Exoneration From or Limitation of Liability, and states as follows:

1. Pursuant to this Court’s Order Restraining All Suits and Directing Monition to Issue entered on November 28, 2022, and in accordance with Supplemental Rule F(5) for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, Claimant Marija Velkova files this claim for injuries and damages arising out of, resulting from, or in any manner connected with the occurrence on August 13, 2022, which the Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC’s Complaint seeks exoneration from of limitation of liability.

2. In filing her Claim, Answer, and Affirmative Defenses, Claimant reserves all rights to pursue all available claims in the fora of her choosing for resolution of any and all

issues beyond the exclusive jurisdiction of this Admiralty Court, and to have such claims and related damages tried to a jury, including her cause of action filed on November 14, 2022 in the Circuit Court of Cook County, Illinois County Department Law Division, *Marija Velkova v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-010139, as provided for by the Savings to Suitors Clause in 28 U.S.C. § 1333 and all state law remedies.

3. That on or about November 14, 2022, Claimant Marija Velkova filed suit in the Circuit Court of Cook County, Illinois against Theresa Tran, Chicago AquaLeisure, LLC, and Joseph Neverauskas, in the matter of *Marija Velkova v. Joseph Neverauskas, et al.*, No. 2022-L-010139 (Cook Cty. Cir. Ct.), attached hereto as Exhibit A.

4. That Claimant states, adopts, and incorporates by reference the material allegations from her Complaint filed on November 14, 2022, against Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC, in the Circuit Court of Cook County, Illinois, County Department Law Division, *Marija Velkova v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-010139, as if fully stated herein.

5. As set forth in Claimant's Complaint, it is alleged that one or more acts or omissions constituting legal misconduct of the Plaintiffs-in-Limitation, both directly and indirectly, individually and by through their agents, employees, and servants, was a direct and proximate cause of said occurrence and Claimant's personal injuries as set forth in Claimant's Complaint.

6. Further, it is alleged that Plaintiffs-in-Limitation had privity and knowledge of their direct negligent conduct and/or the negligent conduct of their agents, actual or apparent, employees, and/or servants, which caused or contributed to the cause the occurrence and Claimant's injuries and damages.

7. Further, upon information and belief, it is alleged that said vessel/boat prior to and/or during all relevant times, was unseaworthy, not tight, not staunch, not strong, improperly and/or inadequately manned, improperly and/or inadequately equipped, improperly and/or inadequately supplied, and/or defective, and in all material respects, unfit for the operational service for which it was engaged, and at all times material, Plaintiffs-in-Limitation, both directly and indirectly, by and through their agents, actual or apparent, employees, and/or servants, had privity and knowledge of said vessel/boat's unseaworthiness, further, that Plaintiffs-in-Limitation (a) failed to adequately inspect, maintain and/or repair said vessel/boat, (b) failed to establish and/or institute adequate inspection, maintenance, and/or repair procedures to assure said vessel/boat's equipment was maintained in good operating condition, (c) failed to establish and/or institute adequate procedures for various functions of said boat/vessel; (d) failed to require or provide said vessel/boat with an adequate crew, and/or (e) failed to adequately train and/or supervise their agents, actual or apparent, servants, and/or employees, of which were within the privity and knowledge of Plaintiffs-in-Limitation.

8. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of Plaintiffs-in-Limitation constituting legal misconduct of the Plaintiffs-in-Limitation, and/or the unseaworthiness of said boat/vessel, Claimant Marija Velkova sustained severe and permanent injuries, both internally and externally, and was and will be in the future hindered and prevented in whole or in part from attending to usual duties and affairs, and has lost and in the future will lose, the value of that time, and has suffered a loss of earning capacity, as aforementioned. Further, that Plaintiff also suffered great pain and anguish both in mind and body, and will in the future continue to so suffer. Moreover, Plaintiff further expended and

became liable for and will the future expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

9. That Claimant seeks all damages recoverable by law.

10. That Claimant hereby respectfully demands a trial by jury on all issues so triable or, in the alternative, if this Court finds Plaintiffs-in-Limitation action not triable of right by a jury, then Claimant otherwise reserves her right to move this Court on motion at a later time to try all issues with an advisory jury.

WHEREFORE, Claimant prays that this Honorable Court enter judgment in favor of Claimant Marija Velkova and against Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC, in a dollar amount that fairly and justly compensates Claimant for her injuries and damages, plus the costs of this action, and such additional amounts or other and further relief as this Court may deem fair and just under the circumstances.

*Clifford Horwitz*

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Clifford W. Horwitz  
**Horwitz, Horwitz, and Associates, LTD.**  
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FILED DATE: 11/14/2022 12:00 AM 2022L010139

ATTORNEY CODE # 04771  
STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

MARIJA VELKOVA, )  
 )  
Plaintiff, )  
 )  
v. ) NO. 2022L010139  
 )  
 )  
JOSEPH NEVERAUSKAS, THERESA )  
TRAN, CHICAGO AQUALEISURE, LLC, )  
 )  
 )  
Defendants. )

Exhibit A

COMPLAINT AT LAW

NOW COMES the Plaintiff, MARIJA VELKOVA, by her attorneys HORWITZ,  
HORWITZ AND ASSOCIATES, LTD., and complaining of the Defendants Joseph  
Neverauskas, Theresa Tran, and Chicago Aqualeisure, LLC, alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS  
THE PARTIES

1. Plaintiff Marija Velkova currently resides in the County of Cook, State of Illinois.
2. Upon information and belief, Defendant Joseph Neverauskas currently resides in the County of Cook, State of Illinois.
3. Upon information and belief, Defendant Theresa Tran currently resides in the County of Cook, State of Illinois.

EXHIBIT A

4. Upon information and belief, Defendant Chicago Aqualeisure, LLC, is an Illinois limited liability company engaged in the business of renting pleasure boats and/or yachts with its principal place of business in the County of Cook, State of Illinois.

**VENUE**

5. Venue is proper under 735 ILCS 5/2-101.

**COUNT I**

**NEGLIGENCE**

**Against Defendants Joseph Neverauskas, Theresa Tran, and Chicago Aqualeisure, LLC**

1.-5. Plaintiff re-states, re-alleges, and incorporates paragraphs 1-5 contained in the Allegations Common to All Counts Section above as if fully stated herein.

6. That on or about August 13, 2022, and prior thereto, the Defendant(s) owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

7. That on or about August 13, 2022, and prior thereto, there was a firm, corporation, or entity other than Defendant(s) that owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the

playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

8. That on or about August 13, 2022, and prior thereto, the Defendant(s) contracted with a firm, corporation, or other entity that owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

9. That at aforesaid time and place, Plaintiff Marija Velkova was on a raft attached to a 42' Sea Ray 40' Sedan Bridge vessel/boat known as Navigator, Hull Identification Number SERP5108J001, in the aforementioned area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook and State of Illinois.

10. That the aforesaid Defendant(s) had a duty to exercise reasonable care for the safety of the Plaintiff.

11. That the aforesaid Defendant(s) were then and there guilty of one or more of the following acts and/or omissions:

- a. Failed to place or operate said vessel/boat in a safe, suitable and proper manner so as to give proper and adequate protection to the life and limb of any person or persons in the playpen, including Plaintiff;

- b. Failed to anchor said boat/vessel in a safe, suitable and proper manner, thereby creating a danger and/or hazard to any person or persons in the playpen, including Plaintiff;
- c. Failed to adequately and/or properly anchor said boat/vessel;
- d. Caused said boat's/vessel's anchor to be placed, set, and/or operated in a manner such that it was unsafe;
- e. Failed to properly and/or adequately inspect, investigate, and/or determine the position of said boat's/vessel's anchor;
- f. Failed to correct the condition of said boat's/vessel's anchor;
- g. Failed to properly and/or adequately navigate said boat/vessel;
- h. Failed to properly and/or adequately operate said boat/vessel;
- i. Failed to adequately preplan for the safe, suitable, and/or proper navigation and/or operation of the boat;
- j. Operated said boat/vessel at an unsafe speed;
- k. Operated said boat/vessel in reverse without properly and/or adequately looking to determine if there were persons, including Plaintiff, in the path behind said boat/vessel;
- l. Operated said boat/vessel in reverse without proper and/or adequate visibility;
- m. Operated said boat/vessel in reverse without proper and/or adequate lookouts;
- n. Failed to take proper and/or adequate means and/or precautions for the safety of persons in the water, including Plaintiff, under the circumstances then and there existing;
- o. Failed to warn of the aforementioned a) – n);

- p. Failed to adequately train to correct, maintain, and/or prevent the  
aforementioned a) – n);
- q. Failed to have an adequate policy, procedure, protocol, or rule to correct,  
maintain, and/or prevent the aforementioned a) – n); and/or
- r. Was otherwise careless and/or negligent.

12. That at said time and place, the aforesaid boat/vessel reversed over the raft that Plaintiff was situated on.

13. That one or more of the aforesaid acts or omissions constituting legal misconduct of the Defendant(s) was a proximate cause of said occurrence and Plaintiff(s) personal injuries as hereinafter mentioned.

14. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of the Defendant(s), Plaintiff then and there sustained severe and permanent injuries, both internally and externally, and was and will be in the future hindered and prevented in whole or in part from attending to usual duties and affairs, and has lost and in the future will lose, the value of that time, and has suffered a loss of earning capacity, as aforementioned. Further, that Plaintiff also suffered great pain and anguish both in mind and body, and will in the future continue to so suffer. Moreover, Plaintiff further expended and became liable for and will in the future expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff demands judgment against the Defendant(s) in a dollar amount to satisfy the jurisdictional limitation of this court, and in such additional amounts as the Court shall deem proper, plus the costs of this action.

*Clifford Horwitz*

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Clifford W. Horwitz

**Horwitz, Horwitz, and Associates, LTD.**

25 E. Washington, Suite 900

Chicago, IL 60602

Office: (312) 372-8822

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11/14/2022 12:00 AM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2022L010139  
Calendar, C

33978

ATTORNEY CODE # 04771  
STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MARIJA VELKOVA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
 )  
JOSEPH NEVERAUSKAS, THERESA TRAN, )  
CHICAGO AQUALEISURE, LLC, )  
 )  
 )  
Defendants. )  
 )

NO. 2022L010139

**SUPREME COURT RULE 222(b) AFFIDAVIT**

1. The undersigned, Clifford Horwitz, does hereby state under oath and under penalty of perjury:
2. My name is Clifford Horwitz.
3. I represent the Plaintiff in the above-captioned case.
4. I have conducted an investigation into this case.
5. The Plaintiff is seeking damages in excess of \$50,000.00.
6. FURTHER AFFIANT SAYETH NOT

*Clifford Horwitz*

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Clifford W. Horwitz

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STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MARIJA VELKOVA, )  
 )  
Plaintiff, )  
 )  
v. ) NO. 2022L010139  
 )  
 )  
JOSEPH NEVERAUSKAS, THERESA )  
TRAN, CHICAGO AQUALEISURE, LLC, )  
 )  
 )  
Defendants. )  
 )

**JURY DEMAND**

The undersigned demands a jury trial.

*Clifford Horwitz*

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